

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on February 17, 2013.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS  
HELD AT WYOMING CITY HALL

February 3, 2014

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present:     Beduhn             Dykhous       Lomonaco  
                                 Palmer             Postema       VandenBerg

Other official present:         Tim Cochran, City Planner

A motion was made by Lomonaco, and seconded by Dykhous to excuse VanderSluis.

Motion carried:         6 Yeas             0 Nays

A motion was made by VandenBerg, and seconded by Beduhn to approve the minutes of the January 6, 2014 Board of Zoning Appeals meeting.

Motion carried:         6 Yeas             0 Nays

PUBLIC HEARING:

Appeal #V140001                     P.P. #41-17-24-226-001  
City Sign Erectors  
150 36th St. S.W.  
Zoned B-2

The application requesting a variance from the City of Wyoming Zoning Code Section 90-799, which permits wall signs to be a maximum of 15% of the wall area. The petitioner proposes to place a 13.2 square foot wall sign on two ends of a canopy with a wall area of 60 square feet, which allows a sign area of 9 square feet was read by Secretary Lomonaco. The petitioner requests a variance to allow an additional 4.2 square feet for each of the two canopy wall signs.

Acting Chairman Palmer opened the public hearing.

Mr. Jason Berris, American Gas and Oil, 440 W. Division, Sparta, MI explained the existing station was changing from a BP station to a Citgo station. As a result, they have to redo all the signs to the new company image. The signage would be located on a canopy that is 66'x24'. On the primary side which is 66' wide, there would be the word "Citgo" and the trademark triangle. On the secondary side which is 24' wide, there would just be the word "Citgo". In order to have room for the whole branding image, they need a variance of an additional 4.2 square feet.

There being no further remarks, Acting Chairman Palmer closed the public hearing.

Cochran explained the variance is required because a wall sign is limited to 15% maximum of the wall area where it is located. This is a small building with very small walls. When the sign ordinance was revised, the impact of this limitation on small walls had not been envisioned. Because of the size of the walls, the variance request is minor. Granting the extra square feet of signage would not be discernible, or look out of line as compared with a building where the signage met the ordinance. Staff supported the variance requested, and had drafted Finding of Facts for the Board's consideration.

A motion was made by VandenBerg and seconded by Lomonaco that the request for a variance in application no. V140001 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the existing pump island canopy is narrow at 2.5 feet with a 24 foot length. With the 15% sign area allowed by the Zoning Code, this results in a sign allowance of 9 square feet. The petitioner proposes a sign area of 13.2 square feet, which is 4.2 square feet above that allowed. The narrow canopy wall is an unusual condition applying to the property.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the proposed wall signs will provide readability and identification of the business to potential customers. This supports the preservation and enjoyment of property rights.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because of the modest scale of the variance, its authorization will not detriment adjoining properties or have any impact on the public streets.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the proposed sign variance is modest and will be indiscernible in relation to other wall signs throughout the City.

Motion carried:            6 Yeas            0 Nays (Resolution #5555)

PUBLIC HEARING:

Appeal #V140002                      P.P. #41-17-11-229-045  
City Sign Erectors  
800 Burton St. S.W.  
Zoned B-3

The application requesting a variance from Zoning Code Section 90-799, which permits wall signs to be a maximum of 15% of the wall area. The petitioner proposes to place a 13.2 square foot wall sign on two ends of a canopy with a wall area of 60 square feet, which allows a sign area of 9 square feet was read by Secretary Lomonaco. The petitioner requests a variance to allow an additional 4.2 square feet for each of the two canopy wall signs.

Acting Chairman Palmer opened the public hearing.

Mr. Jason Berris, American Gas and Oil, 440 W. Division, Sparta, MI explained the existing station was changing from a BP station to a Citgo station. As a result, they have to redo all the signs to the new company image. The signage would be located on a canopy that is 66'x24'. On the primary side which is 66' wide, there would be the word "Citgo" and the trademark triangle. On the secondary side which is 24' wide, there would just be the word "Citgo". In order to have room for the whole branding image, they need a variance of an additional 4.2 square feet.

There being no further remarks, Acting Chairman Palmer closed the public hearing. Cochran explained the variance is required because a wall sign is limited to 15% maximum of the wall area where it is located. This is a small building with very small walls. When the sign ordinance was revised, the impact of this limitation on small walls had not been envisioned. Because of the size of the walls, the variance request is minor. Granting the extra square feet of signage would not be discernible, or look out of line as compared with a building where the signage met the ordinance. Staff supported the variance requested, and had drafted Finding of Facts for the Board's consideration.

A motion was made by VandenBerg and seconded by Lomonaco that the request for a variance in application no. V140002 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the existing pump island canopy is narrow at 2.5 feet with a 24 foot length. With the 15% sign area allowed by the Zoning Code, this results in a sign allowance of 9 square feet. The petitioner proposes a sign area of 13.2 square feet, which is 4.2 square feet above that allowed. The narrow canopy wall is an unusual condition applying to the property.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the proposed wall signs will provide readability and identification of the business to potential customers. This supports the preservation and enjoyment of property rights.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because of the modest scale of the variance, its authorization will not detriment adjoining properties or have any impact on the public streets.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the proposed sign variance is modest and will be indiscernible in relation to other wall signs throughout the City.

Motion carried:            6 Yeas            0 Nays (Resolution #5556)

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There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

Cochran updated the Zoning Board on a recent Board action. The Board had ruled on a request for an interpretation of truck terminal by Amerigas. As a result, Amerigas has sought and received Special Use approval to locate a truck terminal for the distribution of propane at 2700 Remico. The Planning Commission had placed a stipulation on the approval that the Fire Department approve the final fire protection coverage plan.

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Canda Lomonaco  
Secretary

CL:cb